

REMARKS

Claims 1, 8, 9, 17, and 18 have been amended. Claim 23 is added. No new matter has been introduced into the specification as a result of these amendments. Claims 1-6, 8-14 and 16-23 are pending in the application.

The Examiner objected to Claims 1-6, 9-14, 16, 19, and 20 due to informalities in claims 1 and 9. Claims 1 and 9 have been amended to correct for such informalities. Applicant respectfully requests a withdrawal of the claim objections.

Applicant notes with appreciation the allowance of claims 1-6, 9-14, 16, 19, and 20.

The Examiner rejected claims 8, and 17-18 under 35 U.S.C. § 102(e) as being anticipated by Morris et al. (US 6,665,010; hereinafter "Morris"). The Examiner rejected claims 21 and 22 under 35 U.S.C. § 103(a) as being unpatentable over Morris in view of Abe (US 6,747,698). Applicant traverses these rejections and requests reconsideration of the application.

102(b) Rejection

In order for a reference to anticipate an invention, each and every element of the claimed invention must be found in a single reference. "The identical invention must be shown in as complete detail as is contained in the...claim." MPEP § 2131. Independent claims 8 and 17, as amended, recite "an integration time control line for each row of pixels, wherein each integration time control line is routed to a portion of the pixels in two adjacent rows to provide for output signal values having signals that are generated from pixels within at least two physically separate rows within the array." Nothing found in Morris teaches this aspect of the claimed invention. Therefore, for at least the following reason, Morris does not anticipate independent claims 8 and 17.

"Claims in dependent form shall be construed to include all the limitations of the claim incorporated by reference into the dependent claim." 37 CFR § 1.75. Claim 18 depends from and includes all of the limitations of independent claim 17. For at least the reason discussed above, Morris does not anticipate independent claim 17. Accordingly, dependent claim 18 is also not anticipated by Morris.

103(a) Rejection

Amended independent claim 8 recites "an integration time control line for each row of pixels, wherein each integration time control line is routed to a portion of the pixels in two adjacent rows to provide for output signal values having signals that are generated from pixels within at least two physically separate rows within the array." Nothing found in Morris and Abe teaches or suggests this aspect of the claimed invention. Therefore, the combination of Morris and Abe does not render independent claim 8 obvious.

Claims 21 and 22 depend from independent claim 8. "If an independent claim is not rendered obvious by prior art, then any claim depending from the independent claim is not obvious. " In re Fine, 5 USPQ2d 1596 (Fed. Cir. 1988). Since the combination of Morris and Abe does not render independent claim 8 obvious, dependent claims 21 and 22 are also not obvious in view of Morris and Abe.

In view of the foregoing it is respectfully submitted that the claims in their present form are in condition for allowance and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees in connection with this communication to Deposit Account No. 05-0225.

Respectfully submitted,



Attorney for Applicant
Registration No. 36,930

Nancy R. Simon/JMD
Rochester, NY 14650
Telephone 585-588-4219
Facsimile 585-477-4646

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.